

STATE OF SOUTH CAROLINA)	IN THE COURT OF COMMON PLEAS
)	NINTH JUDICIAL CIRCUIT
COUNTY OF CHARLESTON)	CASE NO.: 2021-CP-10-
)	
JILL PICKETT,)	
)	SUMMONS
Plaintiff,)	
vs.)	
)	
PUBLIX ASSET MANAGEMENT)	
COMPANY, STORE NO. 1646)	
Defendant.)	
_____)	

TO THE DEFENDANT(S) ABOVE-NAMED:

YOU ARE HEREBY SUMMONED and required to answer the Complaint in this action, a copy of which is herewith served upon you, and to serve a copy of your Answer to said Complaint to the Plaintiff or Plaintiff's attorney, Jay S. Masty of DeLUCA & MAUCHER, at their office of 102 Marilyn Street, Post Office Box 9, Goose Creek, South Carolina 29445, within thirty (30) days after the service hereof, exclusive of the day of such service, and if you fail to answer the Complaint within the time aforesaid, the Plaintiff in this action will apply to the Court for the relief as prayed for in said Complaint.

DeLUCA and MAUCHER, L.L.P.

s/ Jay S. Masty
 Jay S. Masty, Esquire
 P.O. Box 9, 102 Marilyn Street
 Goose Creek, SC 29445
 (843) 572-1711 Telephone
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 Attorney for Plaintiff

Goose Creek, South Carolina

This the 18th day of June, 2021.

<p>EXHIBIT</p> <p>B</p>

STATE OF SOUTH CAROLINA)	IN THE COURT OF COMMON PLEAS
)	NINTH JUDICIAL CIRCUIT
COUNTY OF CHARLESTON)	CASE NO.: 2021-CP-10-
)	
JILL PICKETT,)	
)	COMPLAINT
Plaintiff,)	
vs.)	
)	
PUBLIX ASSET MANAGEMENT)	
COMPANY, STORE NO. 1646)	
Defendant.)	
_____)	

NOW COMES THE PLAINTIFF, Jill Pickett, hereinafter referred to as the
 "Plaintiff", who, by way of Complaint would allege as to the following Defendant, and this
 Honorable Court, as follows:

AS TO JURISDICTION AND PARTIES

- 1 The Plaintiff is a citizen and resident of the County of Mecklenburg, State of North Carolina. She resides in Charlotte, North Carolina.
- 2 The Defendant, Publix Asset Management Company (hereinafter referred to as "Defendant") is, upon information and belief, an entity duly organized and existing under the laws of the State of South Carolina and doing business in Charleston, County of Charleston, State of South Carolina.
- 3 Defendant regularly solicits and transacts business and supplies food and other goods in the County of Charleston, State of South Carolina, and deriving substantial revenue therefrom.
- 4 This Complaint concerns an injury which occurred at the afore-described property.
- 5 This Honorable Court has jurisdiction over both the parties and subject matter of this Complaint.

AS TO BACKGROUND FACTS

- 6 The Plaintiff reiterates all allegations contained in this Complaint as if set forth verbatim herein.

- 7 The Defendant, at all times relevant to the allegations contained in this Pleading, had possession, custody and control of said property and said property is operated for the public benefit.
- 8 On September 10, 2020, the Plaintiff was a customer and business invitee at Defendant's store situate 730 Hopewell Dr., Charleston, South Carolina.
- 9 On the aforesated date, the Plaintiff was walking through the deli section of the store.
- 10 At the same time and location, unbeknownst to the Plaintiff, there was a liquid substance on the floor.
- 11 The Plaintiff, while exercising due care for her own safety, did not see the spill on the floor. She slipped and fell on the slippery substance.
- 12 Prior to the fall described afore, the Defendants were aware of the condition and that the condition described above was inherently dangerous. This condition had occurred prior in time to September 10, 2020. This condition was created by the Defendant.

FOR A FIRST CAUSE OF ACTION

- 13 This Plaintiff reiterates all allegations contained in this Complaint as if fully set forth verbatim herein.
- 14 The Defendant owed a duty to an invitee at their place of business and all other ultimate users and invitees of their place of business and more specifically, the Plaintiff herein;
- a To furnish the Plaintiff and the general public with a walking and shopping area within the premises safe for its intended use by the general public;
 - b To maintain said walkway area so as to keep it in a safe condition for the general public and for those persons who might use same, particularly this Plaintiff;
 - c To inspect and periodically discover any dangerous and hazardous conditions existing therein;
 - d Upon inspection and discovery of or upon express notice of, the dangerous and hazardous conditions, to remedy and alleviate such conditions by adequate cleaning, removing or drying of walkway;

- e To warn the public, and all invitees, particularly this Plaintiff, of the dangerous and hazardous conditions existing in its store and specifically the walkway area where this Plaintiff fell;
- f To take action when placed on notice of the inherently dangerous condition existing on its property.

15 The Defendant was on express notice of the danger and foreseeable risk of the dangerous condition in the walkway area where the Plaintiff was injured.

16 Defendant violated its duties of reasonable care to protect Plaintiff from dangerous conditions it had created and/or was on actual or constructive notice of on the dangerous condition and failed to take reasonable and necessary steps to remedy it. Defendant was careless, negligent, grossly negligent, reckless, willful, and wanton in its acts and/or omissions at the time and place above mentioned in the following particulars;

- a In failing to properly maintain its premises for employees, customers and other invitees;
- b In failing to keep the floor areas that Plaintiff had to traverse in a reasonably safe condition for employees, customers and other invitees;
- c In failing to place signs to warn employees, customers and other invitees of the slippery condition of the floor;
- d In failing to place mats or another non-slip material to prevent and/or avoid falls;
- e To take action when placed on notice of the inherently dangerous condition existing on its property.
- f In failing to clean the floor surface that the Defendant knew or should have known posed a danger to employees, customers and other invitees;
- g In creating a dangerous condition by failing to remove the liquid substance in a timely fashion;
- h In failing to use that degree of care and caution that a reasonable and prudent business would have used under the same or similar circumstances; and
- i In such other particulars as Discovery in the case and the evidence at trial may show.

- 17 As a direct and proximate result of Defendant's negligence, gross negligence and/or recklessness, the Plaintiff was severely injured and has incurred medical expenses, suffered tremendous pain and suffering, loss of enjoyment of life and all other damages allowed under the law of this State.

WHEREFORE, as set forth herein above, the Plaintiff prays:

- (a) Judgment be entered against the Defendant for actual and punitive damages in such fair, just and reasonable amount as may be determined as the Court may deem just and proper, said amount not to exceed \$74,999.00.
- (b) That the costs and expenses of this action be awarded to the Plaintiff;
- (c) For such other and further relief as this Court may deem just, equitable, and proper.

DeLUCA and MAUCHER, L.L.P.

s/ Jay S. Masty
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Attorney for Plaintiff

Goose Creek, South Carolina

This the 18th day of June, 2020.